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November 21, 2024

VIA ECF

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Mashinsky*, 23 Cr. 347 (JGK)

Dear Judge Koeltl:

We write on behalf of defendant Alexander Mashinsky to respectfully request that the Court execute the attached Request for International Judicial Assistance (Letter Rogatory) for the deposition of Mr. Johannes Treutler in Germany. *See* Exhibit 1.

On November 8, 2024, the Court granted Mr. Mashinsky's motion to preserve the testimony of four material witnesses, including Mr. Treutler, pursuant to Rule 15 of the Federal Rules of Criminal Procedure. ECF No. 91. Upon the Court's execution of the attached Letter Rogatory, the defense will transmit the executed original, along with copies translated into German, to the Judicial Assistance Officer at the United States Department of State under the cover letter attached as Exhibit 2.

Last week, the defense spoke with the government who informed us that it is unable to utilize the procedures set forth in the Mutual Legal Assistance Treaty between the United States and Germany. However, that MLAT expressly authorizes United States federal judges to initiate treaty requests. *See* ECF No. 73-4, at page 27. The attached Letter Rogatory therefore refers to the MLAT between the United States and Germany in seeking judicial assistance from the Federal Republic of Germany.

The government has received a copy of the attached Letter Rogatory and informed the defense that in light of the Court's ruling on the Rule 15 motion, the government does not object.

The Hon. John G. Koeltl
November 21, 2024
Page 2

Respectfully submitted,

/s/ Michael F. Westfal
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Torrey K. Young
Michael Westfal

Counsel for Alexander Mashinsky

Cc: All counsel of record (via ECF)